

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. National Phase of International	)	
Application No. PCT/FR2003/002844 of:	)	
	)	Group Art Unit: 1616
Xavier BLIN et al.	)	
	)	Examiner: J. RICHTER
Application No. 10/529,318	)	
	)	
§ 371 date: March 25, 2005	)	
	)	Confirmation No. 6674
PCT Filed: September 26, 2003	)	
	)	
For: COSMETIC COMPOSITION	)	
COMPRISING A SEQUENCED	)	
POLYMER AND A PLASTICIZER	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents, patent application publications, co-pending applications, and respective office actions are not enclosed as they are available on the Imaged File Wrapper of PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an “adverse decision” by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of “substantially similar claim[s]” to the Office. *See also* M.P.E.P. § 2001.06(b). Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a statement regarding the non-English language documents:

1. **EP 0 080 976**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
2. **EP 0 549 494**: This document is believed to be related to U.S. Patent Nos. 5,756,635 and 6,258,916, cited on the attached IDS Form PTO/SB/08.
3. **EP 0 550 745**: The European Patent Office’s website indicates that WO 93/001797, cited on the attached IDS Form PTO/SB/08 and submitted herewith, takes the place of EP 0 550 745, cited on the attached IDS Form PTO/SB/08.

EP 0 550 745 and WO 93/001797 are believed to be related to U.S. Patent

No. 5,519,063, cited on the attached IDS Form PTO/SB/08.

4. **EP 0 667 146**: This document is believed to be related to U.S. Patent

Nos. 6,120,781 and 6,132,742, cited on the attached IDS Form PTO/SB/08.

5. **EP 0 815 836**: This document is believed to be related to U.S. Patent

No. 5,849,318, cited on the attached IDS Form PTO/SB/08.

6. **EP 0 847 752**: This document is believed to be related to U.S. Patent

No. 6,649,173, cited on the attached IDS Form PTO/SB/08.

7. **EP 0 951 897**: This document is believed to be related to U.S. Patent

No. 6,180,123, cited on the attached IDS Form PTO/SB/08.

8. **EP 1 066 817**: This document is believed to be related to U.S. Patent

No. 6,342,237, cited on the attached IDS Form PTO/SB/08.

9. **EP 1 201 221**: This document is believed to be related to U.S. Publication

No. 2002/0098217, cited on the attached IDS Form PTO/SB/08.

10. **EP 1 356 799**: This document is believed to be related to U.S. Publication

Nos. 2003/0003154 and 2005/0201958, and U.S. Patent Nos. 6,946,518 and 7,358,303, cited on the attached IDS Form PTO/SB/08.

11. **FR 2 077 143**: This document is believed to be related to U.S. Patent

No. 3,910,862, cited on the attached IDS Form PTO/SB/08.

12. **FR 2 079 785**: This document is believed to be related to U.S. Patent

No. 3,637,160, cited on the attached IDS Form PTO/SB/08.

13. **FR 2 232 303**: This document is believed to be related to U.S. Patent

Nos. 3,937,811 and RE29871, cited on the attached IDS Form PTO/SB/08.

14. **FR 2 393 573**: This document is believed to be related to U.S. Patent Nos. 4,165,367 and 4,223,009, cited on the attached IDS Form PTO/SB/08.
15. **FR 2 792 190**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
16. **FR 2 823 101**: This document is believed to be related to U.S. Publication No. 2003/0039621.
17. **FR 2 821 430**: An English language Derwent abstract of this document is listed on the attached IDS Form PTO/SB/08, and a copy of the abstract is submitted herewith.
18. **FR 2 842 417**: This document is believed to be related to U.S. Publication No. 2004/0241118, cited on the attached IDS Form PTO/SB/08.
19. **FR 2 844 709**: This document is believed to be related to U.S. Publication No. 2004/0142831, cited on the attached IDS Form PTO/SB/08.
20. **JP 06-279323**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
21. **JP 07-196450**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.
22. **JP 07-324017**: This document is also believed to be related to U.S. Patent No. 5,747,013, cited on the attached IDS Form PTO/SB/08.

23. **JP 09-263518**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.

24. **JP 11-124312**: This document is believed to be related to U.S. Patent No. 6,326,011, cited on the attached IDS Form PTO/SB/08.

25. **JP 2002-201110**: This document is believed to be related to U.S. Publication Nos. 2004/0116634, 2004/0167304, 2004/0116628, 2004/0115149, 2004/0115148, 2004/0109838, 2005/0032998, 2004/0097657, 2004/0096409, 2005/0232887, 2004/0115157, 2005/0089536, 2004/0109836, 2004/0141937, 2004/0091444, 2004/0109835, 2008/0069793, 2008/0107617, and 2008/0207773, and U.S. Patent Nos. 6,833,419, 6,891,011, 6,964,995, 7,022,791, 7,025,973, 7,053,146, 7,081,507, 7,151,137, 7,186,405, 7,186,774, 7,244,421, 7,279,154, 7,297,328, 7,332,155, 7,393,520, and 7,399,478, cited on the attached IDS Form PTO/SB/08.

26. **JP 5-221829**: An abstract of the disclosure of this document can be found in the English language Patent Abstract of Japan, submitted herewith, and cited on the attached IDS Form PTO/SB/08.

27. **WO 98/31329**: This document is believed to be related to U.S. Patent No. 6,126,929, cited on the attached IDS Form PTO/SB/08.

28. **WO 03/046032**: This document is believed to be related to U.S. Publication Nos. 2003/0124074, 2007/0003506, 2007/0003507, and 2008/0159965, cited on the attached IDS Form PTO/SB/08.

29. **WO 2004/022009**: This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.
30. **WO 2004/022010**: This document is believed to be related to U.S. Publication Nos. 2004/0137020, 2004/0137021, 2006/0099231, and 2006/0134038, cited on the attached IDS Form PTO/SB/08.
31. **French Search Report for FR 03/11340**: This is the French Search Report for FR 03/11340 from which co-pending Application No. 10/949,448 (Attorney Docket No. 05725.1374-00) claims priority.
32. **International Search Report for PCT/FR03/02841**: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,267 (Attorney Docket No. 05725.1445-00).
33. **International Search Report for PCT/FR03/02849**: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/529,265 (Attorney Docket No. 05725.1418-00).
34. **International Search Report for PCT/IB2005/000230**: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,817 (Attorney Docket No. 05725.1586-00).
35. **International Search Report for PCT/IB2005/000236**: This is the International Search Report for the PCT counterpart to co-pending U.S. Application No. 10/585,818 (Attorney Docket No. 05725.1589-00).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

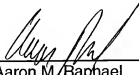
If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 2, 2009

By: \_\_\_\_\_

  
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